

TELECOM TRENDS AND TCPA HORROR

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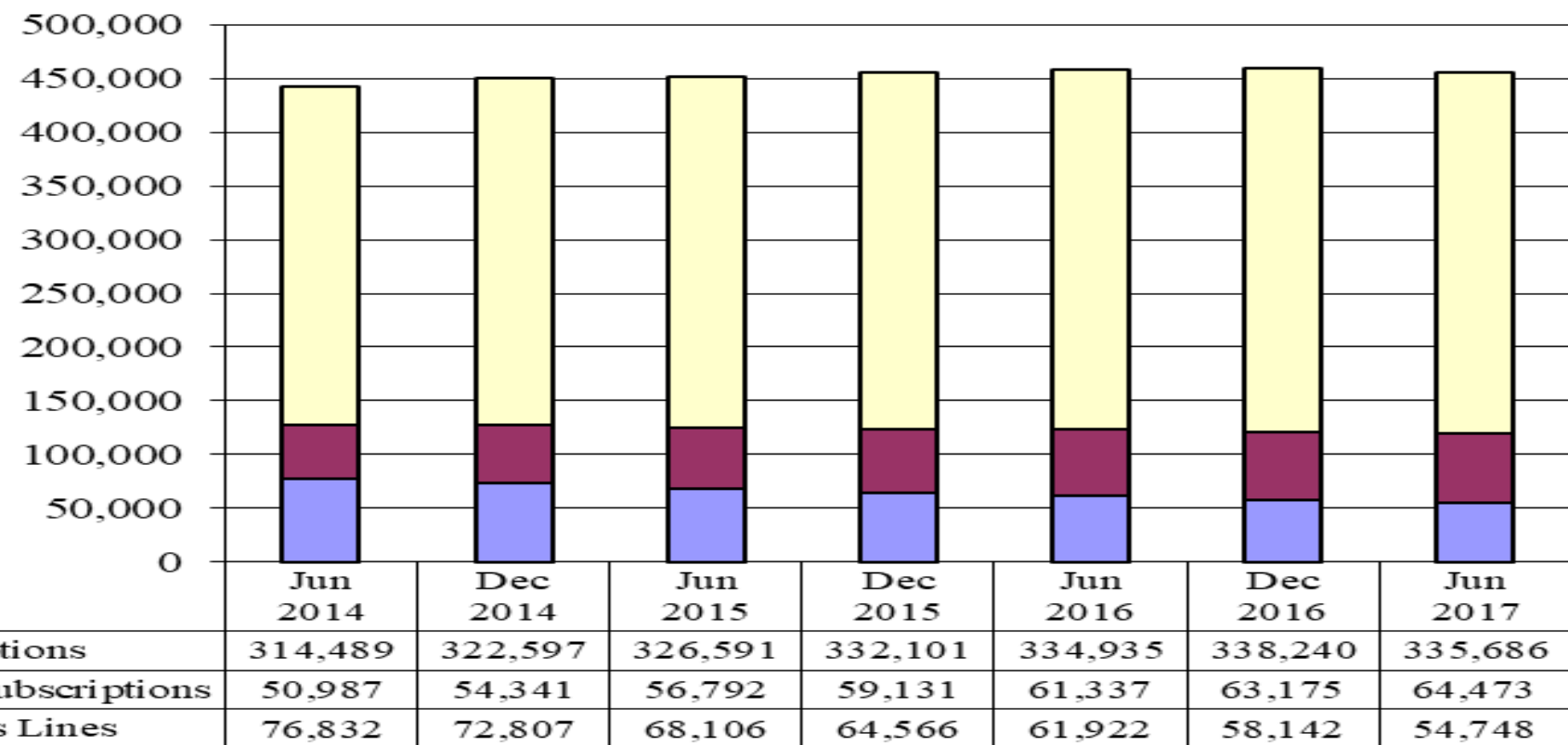
TELECOM TRENDS

- Wireline to Wireless Migration
- Broadband Explosion
- VoIP Growth
- Traditional Access Line Decrease
- Industry Consolidation
- Shifting Roles for Regulators

REALITY IS CALLING AND NO ONE IS ANSWERING

- Telecom Act of 1996 World
 - All ILECs
 - Limited Wireless or “Broadband”
 - Local v. Long Distance (per-minute)
- Innovative Regulation at State Level Led to Competition
 - Generally Effective State Implementation, Mixed Federal Record
- Federal Preemption

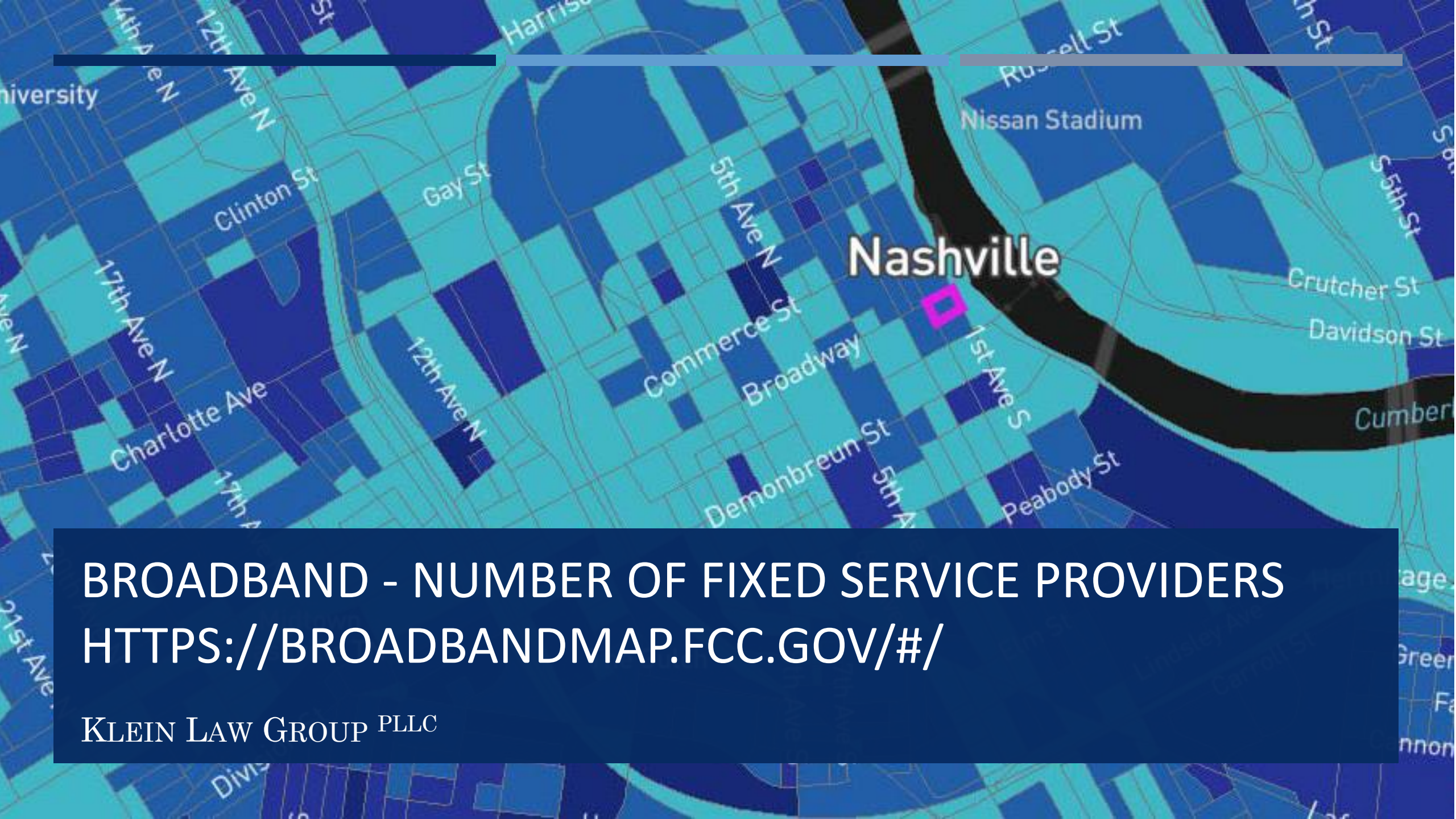
VOICE SUBS 2014-2017



BUSINESS CUSTOMERS BY TYPE AND PROVIDER

Business Lines (Millions)

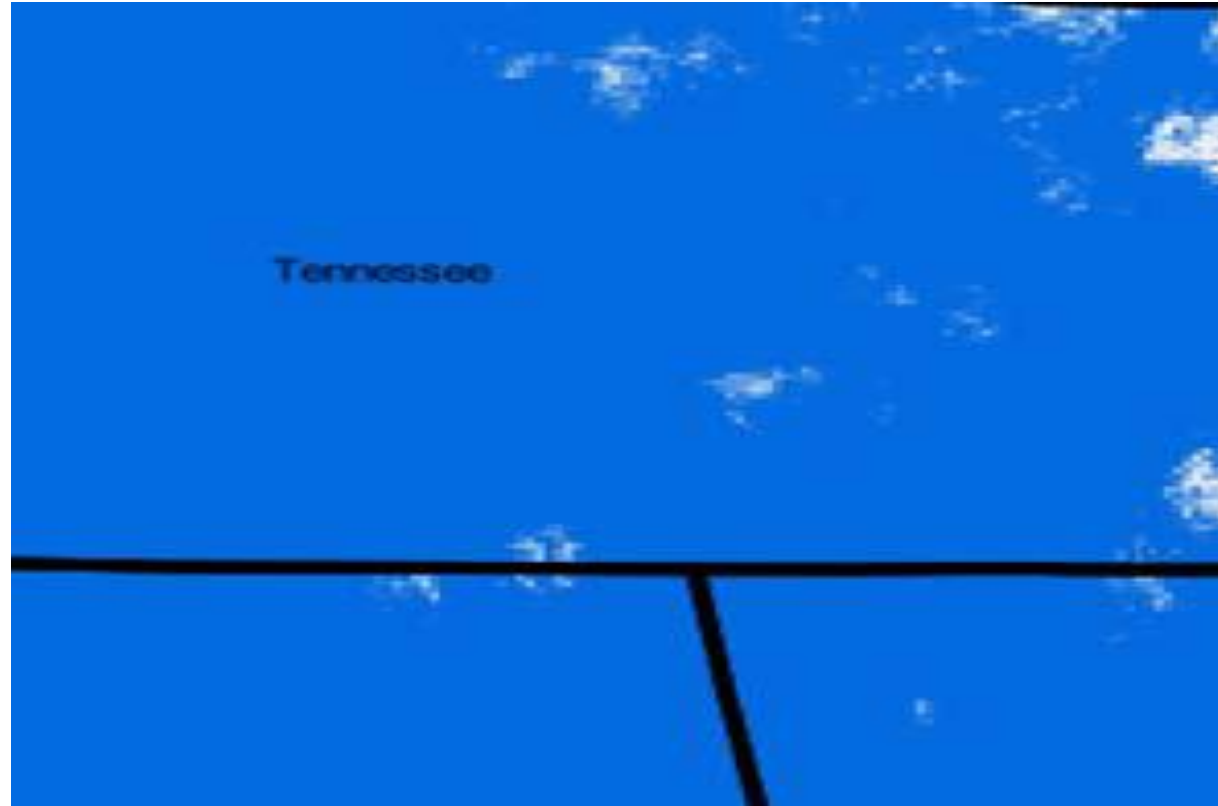
	Switched Access	Interconnected VoIP	Total
ILEC	21.3	3.4	24.7
Non-ILEC	10.9	21.0	32.0
Total	32.2	24.4	56.6



BROADBAND - NUMBER OF FIXED SERVICE PROVIDERS
[HTTPS://BROADBANDMAP.FCC.GOV/#/](https://BROADBANDMAP.FCC.GOV/#/)

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WIRELESS COVERAGE: [HTTPS://WWW.FCC.GOV/20TH-MOBILE-WIRELESS-REPORT-WEB-APPENDICES](https://www.fcc.gov/20th-mobile-wireless-report-web-appendices)



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SELECT CURRENT ISSUES

- Transactions and Approvals
- Disputes
 - Intercarrier
 - Billing/Payment, Maintenance and Repair.
 - Customer
- Access to Facilities
- Compliance
- Litigation

TCPA HORROR STORY

- Telephone Consumer Protection Act
- FCC Implementation
 - Specific Requirements, particularly as to faxes.
 - Certain rules overturned in *Bais Yaakov of Spring Valley v. Federal Communications Comm’n*, 852 F.3d 1078 (J. Kavanaugh, D.C. Cir. 2017) (holding that the TCPA “does not require (or give the FCC authority to require) opt-out notices on solicited fax advertisements” and holding the FCC’s corresponding rules unlawful).

TCPA HORROR STORY (CONT'D)

- 2015 – New Jersey Company Sends Fax to Arkansas Company
 - Had Verbal Consent from 2005.
 - Arkansas company a serial plaintiff, relationship with predatory law firm.
 - Arkansas Company brings state court action, suing on the one fax, alleging class action.
 - NJ Company Fails to Substantively Respond to Complaint or Discovery (alleging 25,000 faxes sent)
 - Plaintiff Obtains Arkansas Judgment of **\$12.5 Million**
 - Joint and Several Liability against company and its president.

TCPA HORROR (CONT'D)

- Judgment Domesticated in New Jersey in 2017
 - Motion to Vacate filed, pending for two years, based on denial of due process/lack of jurisdiction.
- Plaintiff obtains Order to force sale of president's home in NJ in late 2017
- Sale Order appealed in New Jersey, and stay obtained from trial court
 - NJ Appellate Division vacates sale order.
 - Notes New Jersey may not accept suspect foreign judgment.
- Appeal in Arkansas remains pending
- Writ in Pennsylvania now also pending

WHATS NEXT?

- More of the same, plus
- 5G and more wireless capacity and usage
- Faster Broadband
- More Fiber
- Telehealth, telecommuting, rural development ...

IS THAT IT??

Yes!

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